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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,108	10/31/2003	Michael Altenhofen	13909-055001 / 2000E00019	8924
32864 7590 10/06/2008 FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER JACKSON, JENISE E	
			ART UNIT 2139	PAPER NUMBER
			NOTIFICATION DATE 10/06/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/698,108	Applicant(s) ALTENHOFEN, MICHAEL	
	Examiner JENISE E. JACKSON	Art Unit 2139	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13-21 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13-21 and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 11, 13-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter for the following limitations: *A computer program product for providing access to a software application comprised of an application core and version-specific functionality, the computer program product being tangibly embodied in an information carrier, the computer program product being operable to cause a machine to: enable access to the application core.* On page 19 of the specification discloses, a computer program can be written in any form of a programming language. Also, on page 19, discloses a computer program product that is tangibly embodied in a propagated signal for execution. A signal is merely software, a computer program product embodied on a propagated signal, is software that is stored on software. Software is non-statutory under 101. Correction is required; the Applicant must amend specification in order to take out a propagated signal. Further, the Applicant must amend the specification, to overcome 101, for a “computer program product”. Which is merely software that is claimed. An example of how the Applicant can amend is that, “a computer program product that is executed within a computer for providing access”....

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-9, 11, 13-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Delgado et al(2005/0066324).

5. As per claims 1, 11, Delgado et al. discloses a method of providing access to a software application of an application core[i.e. primary portion, 0008-0009] and version-specific functionality[0010, 0037] including: enabling access to the application core; determining a version of the software application[0023, 0027]; and providing a module link that corresponds to the version[0025], and authenticating the module link by verifying against code that is unique to a user[0125, 0183] the module link for enabling access to the version-specific functionality[0025, 0037], wherein the application core comprises software that is common across multiple versions of the application[0023], and the version-specific functionality comprises functionality that is specific to the version of the software application[0037].

6. As per claims 3, 13, Delgado discloses encrypting the module link before providing the module link[0080].

8. As per claims 4, 14, Delgado discloses wherein the module link is encrypted with a public key that corresponds to a user of the software application[0047, 0080-0081].

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9. As per claims 5, 15, Delgado discloses receiving the public key used for encrypting the module link[0047].
10. As per claims 6, 16, Delgado discloses wherein the module link enables access to the version-specific functionality by referencing the version specific functionality [0025, 0037].
11. As per claims 7, 17, Delgado discloses wherein the module link enables access to the version-specific functionality by downloading the version-specific functionality and incorporating the version-specific module into the application core[0010, 0025-0026].
12. As per claims 8, 18, Delgado discloses wherein the module link comprises configuration settings for the application core[0023, 0025].
13. As per claims 9, 19, Delgado discloses receiving identification information(i.e. product key) that corresponds to a user of the software application; wherein the version of the software application is determined using the identification information[0025].
14. Claim 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Doty JR(2003/0152904).
15. As per claim 21, Doty discloses a first system to provide course content; a second system to provide a content player that presents the course content; and a third system to identify a version of the content player that is to present the course content, and to provide a module link for use with the content player, the module link for accessing functionality associated with the version of the content player that is to present the course content[0125, 0085], wherein the content player includes software that is common across multiple versions of the content player, the version includes one of the multiple versions, and the module link is authenticated by a code that is unique to a user for accessing functionality that is specific to the version of the content

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player that is to present the course content[0125].

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 10, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delgado(2005/0066324) in view of Eck et al. (2005/0014121).

18. As per claims 10, 20, Delgado does not disclose wherein the software application comprises a content player in an electronic learning system and the version-specific functionality corresponds to at least one of an online content player, an authoring environment content player, and an offline content player. However, Eck et al discloses the software application comprises a content player in an electronic learning system and the version-specific functionality corresponds to at least one of an online content player, an authoring environment content player, and an offline content player[0080, 0084-0085]. It would have obvious to one of ordinary skill in the art to include an electronic learning system that includes a content player, the motivation is that, the content player is used to obtain course material from the content repository[0080 of Eck]. Thus, providing different versions of the content player allows a user more diversity in how the user can access the information.

2. 19. Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doty Jr(2003/0152904) in view of Eck et al. (2005/0014121).

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20. As per claim 23, Doty Jr. is silent on wherein the first system comprises a master repository that stores the course content. Eck discloses wherein the first system comprises a master repository that stores the course content[0080]. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a master repository that stores the course content of Eck with Doty Jr, the motivation is that content repository stores course files that are used to present a course to a user at the learning station[0080 of Eck].

21. Same Motivation as above. As per claim 24, Eck discloses wherein the content player accesses the content from the master repository[0081, 0085].

22. Same Motivation as above. As per claim 25, Eck discloses wherein the content player is provided to a local computer, the local computer having access to a local repository of course content[0082].

23. Same Motivation as above. As per claim 26, Eck discloses wherein the content player accesses the content from the local repository[0081].

24. Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doty Jr(2003/0152904) in view of Delgado(2005/0066324).

25. As per claim 27, Doty does not disclose wherein the third system encrypts the module link before providing the module link. Delgado discloses wherein the third system encrypts the module link before providing the module link[0080]. It would have been obvious to one of ordinary skill in the art to include encrypting the module link of Delgado with Doty, the motivation is that encrypting is a more secure method of protecting the module link from being viewed by unauthorized users.

26. Same Motivation as above. As per claim 28, Delgado discloses wherein the third system

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encrypts the module link with a public key that corresponds to a user of the software application[0047, 0080-0081].

Response to Applicant

27. The Applicant amended claims 1, 11, 21 on 7/21/08. An after-final rejection was mailed on 8/15/08. In response to the after-final rejection the Applicant filed a Request for Consideration.

28. The Applicant states that Delgado does not disclose authenticating the module link by verifying against a code that is unique to a user. The Examiner disagrees with the Applicant. Delgado discloses the installer includes an installation module that extracts from the storage medium and installs on the computer system the code associated with the version of software[0026]. Delgado discloses the received information may be encoded such that only a specific installer may be able to access and decrypt the information[0080].

29. The Applicant states that Doty does not disclose a module link that corresponds to the version of the content player, and the module link is authenticated by a code that is unique to a user for accessing functionality that is specific to the version of the content player that is to present the course content. The Examiner disagrees with the Applicant. Doty discloses a system can typically have different versions and modules and a system has a unique DS, ID, and set of branding, as well as independent versions of any/all modules[0125]. Doty discloses client is ensured using SSL's Message Authentication Code (MAC). This feature encompasses the entire transaction engine and is designed for the highest level of security with SSL. Dynamic HTML

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pages are generated after processing server side ASP files and interaction with the structured query language (SQL) database ensuring proper validations[0183].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENISE E. JACKSON whose telephone number is (571)272-3791. The examiner can normally be reached on Increased Flex time, but generally in the office M-Fri(8-4:30)..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. E. J./

Examiner, Art Unit 2139

September 18, 2008

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/Kristine Kincaid/

Supervisory Patent Examiner, Art Unit 2139